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APPLICATION NO	, F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/660,565 09/12/2003		09/12/2003	Howard Rhodes	M4065.0570/P570-A	5308	
24998	7590	05/22/2006		EXAM	EXAMINER	
		IRO MORIN & O	ARENA, ANDREW OWENS			
2101 L Str	eet, NW					
Washingto	Washington, DC 20037			ART UNIT	PAPER NUMBER	
•				2811		

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	[B
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## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/660,565	RHODES ET AL.	
Examiner	Art Unit	
Andrew O. Arena	2811	

	LAGIIIIICI	Artonic			
	Andrew O. Arena	2811			
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress		
THE REPLY FILED <u>05 May 2006</u> FAILS TO PLACE THIS APP  1. ☑ The reply was filed after a final rejection, but prior to or or	the same day as filing a Notice of	Appeal. To avoid aba			
this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	otice of Appeal (with appeal fee) in	compliance with 37 C	FR 41.31; or (3)		
a) The period for reply expiresmonths from the mailin b) The period for reply expires on: (1) the mailing date of this A		in the final rejection, wh	ichever is later. In		
no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or	ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THI	g date of the final rejecti	on.		
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 Extensions of time may be obtained under 37 CFR 1.136(a). The date		136(a) and the appropria	te extension fee		
have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b	dension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as		
NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in complicing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed.	ension thereof (37 CFR 41.37(e)), to	o avoid dismissal of th	ns of the date of se appeal. Since		
<u>AMENDMENTS</u>					
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>(a) They raise new issues that would require further contains</li> </ol>	onsideration and/or search (see NO		ecause		
(b) ☐ They raise the issue of new matter (see NOTE below) They are not deemed to place the application in be		educing or simplifying	the issues for		
appeal; and/or (d) ☐ They present additional claims without canceling a		jected claims.			
NOTE: (See 37 CFR 1.116 and 41.33(a))		muliant Amandmant	(DTOL 224)		
<ul> <li>The amendments are not in compliance with 37 CFR 1.1</li> <li>Applicant's reply has overcome the following rejection(s</li> </ul>		ompliant Amendment	(PTOL-324).		
<ol> <li>Applicant's reply has overcome the following rejection(s</li> <li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li> </ol>		timely filed amendme	ent canceling the		
<ul><li>7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro</li></ul>	☐ will not be entered, or b) ☒ wipvided below or appended.	ill be entered and an	explanation of		
The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>n/a</u> .					
Claim(s) objected to: <u>n/a</u> . Claim(s) rejected: <u>90 and 93-141</u> .					
Claim(s) withdrawn from consideration: <u>n/a</u> .  AFFIDAVIT OR OTHER EVIDENCE					
<ol> <li>The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	ut before or on the date of filing a N nd sufficient reasons why the affida	lotice of Appeal will <u>no</u> vit or other evidence i	ot be entered s necessary and		
9.  The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a		
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER					
11.   The request for reconsideration has been considered by See Continuation Sheet.	,		nce because:		
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).					
13.  Other:					
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U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05) Continuation of 11. does NOT place the application in condition for allowance because:

Examiner first notes that applicants amendments to the independent claims (90, 108, and 130) simply change the claims back to exactly the claims previously presented 04/25/2005 and rejected in the office action of 11/14/2005. At least for this reason, applicant's claims fail to patenably define over the prior art.

Applicant's arguments filed 05/05/2006 have been fully considered but they are not persuasive.

Applicant's argument that Rhodes does not disclose, teach, or suggest "the entire extent of said charge storage capacitor overlies said field oxide region" is not persuasive. Examiner reiterates (presented in office actions of 11/14/2005 and 03/22/2006) that in Rhodes (Fig 5) no extent of said charge storage capacitor (162) lies under said field oxide region (115).

Applicant's argument that Rhodes does not disclose, teach, or suggest "forming a direct contact between said first doped region and said charge storage capacitor" is not persuasive. Examiner reiterates (presented in office actions of 11/14/2005 and 03/22/2006) that in Rhodes (Fig 5) a direct connection (150) is formed between said first doped region (155) and said charge storage capacitor (162)

In response to applicant's arguments against the references individually (Rhodes is also silent about "patterning...to form a storage capacitor" and Rhodes is also silent about "connecting an electrode of a second charge storage capacitor..."), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument that Rhodes is also silent about "forming a photodiode in a doped layer" is most since Han has been exclusively relied upon as a teaching for this limitation.

Applicant's argument that Han fails to disclose, teach, or suggest "the entire extent of said charge storage capacitor overlies said field oxide region" is not persuasive. Examiner reiterates (presented in office actions of 11/14/2005 and 03/22/2006) that in Han (Fig 3) no extent of said charge storage capacitor (230) lies under said field oxide region (208).

Applicant's argument that "a person of ordinary skill in the art would not have been motivated to combine Rhodes with Han" is not persuasive. Examiner reiterates (presented in office action of 03/22/2006) that Han teaches an improved method of forming a capacitor in a CMOS imager, and provides the motivation for modification: at least for reducing the steps of manufacture [0032].

In response to applicant's arguments against the references individually ("Rhodes fails to disclose, teach, or suggest all limitations of independent claim 137" and "Lauxterman is silent about any of the limitations of claim 137"), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's amendment to dependent claims 124 and 125 fail to overcome the rejection under 35 USC 112, first paragraph. It is unclear how said photosensor can operate to detect light when the charge storage capacitor "overlies an active area of a pixel containing said photosensor.